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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jessie Wilder Darrin,

10 Petitioner,

11 v.

12 David Shinn, et al.,

13 Respondents.
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No. CV-21-02196-PHX-DWL

ORDER

15 Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus
16 pursuant to 28 U.S.C. § 2254 (Doc. 1) and the Report and Recommendation (“R&R”) of
17 the United States Magistrate Judge (Doc. 27). The R&R, which was issued on October 18,
18 2022, recommended that the petition be denied and dismissed with prejudice and further
19 provided that “[t]he parties shall have fourteen days from the date of service of a copy of
20 this recommendation within which to file specific written objections with the Court.” (Doc.
21 27 at 54-55.)

22 Here, no objections have been filed and the time to object—which was previously
23 extended at Petitioner’s request (Docs. 28, 29)—has expired. Thus, the Court accepts the
24 Magistrate Judge’s recommendation. *See, e.g., Thomas v. Arn*, 474 U.S. 140, 149-50
25 (1985) (“It does not appear that Congress intended to require district court review of a
26 magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when
27 neither party objects to those findings.”); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226
28 (D. Ariz. 2003) (“[N]o review is required of a magistrate judge’s report and

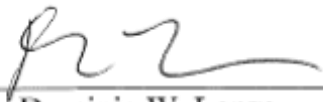
1 recommendation unless objections are filed.”). *See also United States v. Reyna-Tapia*, 328
2 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he district judge must review the magistrate judge’s
3 findings and recommendations de novo *if objection is made*, but not otherwise.”).

4 Accordingly,

5 **IT IS ORDERED** that the R&R’s recommended disposition (Doc. 27) is accepted,
6 that the Petition (Doc. 1) is denied and dismissed with prejudice, and that the Clerk of
7 Court shall enter judgment accordingly.

8 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to
9 proceed in forma pauperis on appeal are **DENIED** because the dismissal of the Petition is
10 justified by a plain procedural bar and jurists of reason would not find the procedural ruling
11 debatable.

12 Dated this 28th day of December, 2022.

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16 _____
17 Dominic W. Lanza
18 United States District Judge
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